

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

JAMES F. LAPINSKI,

Plaintiff,

v.

Case No: 6:16-cv-1418-Orl-40GJK

ST. CROIX CONDOMINIUM  
ASSOCIATION, INC., ESTATE OF  
DOUGLAS COOK, FIFTH DISTRICT  
COURT OF APPEALS OF FLORIDA,  
FLORIDA SEVENTH CIRCUIT COURT,  
STATE OF FLORIDA, VOLUSIA  
COUNTY, R. BROOKS CASEY,  
JENNIFER CAMPEN, JOSEPH  
BANDY, GARY CHANDLER, JERRY  
AZEFF, JOHN WENDER, SANDI  
DEMBINSKY, DAYTONA BEACH  
SHORES, FL and ESTATE OF  
MICHEAL KENNEDY,

Defendants.

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**ORDER**

This cause is before the Court on Defendant Daytona Beach Shores' Motion for Sanctions. (Doc. 111). On September 19, 2017, Magistrate Judge Gregory J. Kelly submitted a report recommending that Plaintiff be sanctioned by paying Daytona Beach Shores' attorney's fees and costs incurred in defending the case. Magistrate Judge Kelly recommends denying the motion in all other respects. (Doc. 121).

Also before the Court at this time is Defendants', Jerry Azeff, Joseph Bandy, Jennifer Campen, R. Brooks Casey, Gary Chandler, Sandi Dembinski, St. Croix Condominium Association, Inc., and John Wender's (the "St. Croix Defendants"), Motion for Attorney's Fees and Costs. (Doc. 115). On October 3, 2017, Magistrate Judge Kelly

issued a report recommending that the motion be granted in part, by awarding the St. Croix Defendants \$5,365.75 in attorney's fees. Magistrate Judge Kelly recommends denying the motion in all other aspects.

Plaintiff, who proceeds *pro se* in this action, objects to both of the Magistrate Judge Kelly's recommendations. However, the Court previously dismissed Plaintiff's Complaint, finding the Complaint without warrant and frivolous. (Doc. 112). In its Order granting Defendants' Motions to Dismiss, the Court found that sanctions were appropriate for Plaintiff's repetitive and frivolous filings. (*Id.*). Accordingly, the Court finds that there is nothing improper with the grant of sanctions and attorney's fees recommended by Magistrate Judge Kelly.

Upon an independent de novo review of the record in this case, and after considering Plaintiff's objections, the Court agrees with Magistrate Judge Kelly's findings of fact and conclusions of law. It is therefore **ORDERED AND ADJUGDED** as follows:

1. Plaintiff's Objections and Motion to Deny Report and Recommendation (Doc. 122) is **OVERRULED**.
2. Plaintiff's Objections and Motion to Deny Report and Recommendation (Doc. 124) is **OVERRULED**.
3. Magistrate Judge Kelly's September 19, 2017, Report and Recommendation (Doc. 121) is **ADOPTED** and made a part of this Order.
4. Defendant Daytona Beach Shores' Motion for Sanctions (Doc. 111) is **GRANTED IN PART AND DENIED IN PART** as follows:

- a. Plaintiff is sanctioned by paying Daytona Beach Shores' attorney's fees and costs incurred in defending this case, Case No. 6:16-cv-1418-40GJK;
  - b. In all other respects, the Motion be **DENIED**; and
  - c. Daytona Beach Shores be given **thirty days** from the date of this Order to file a motion quantifying the amount of attorney's fees and costs to be awarded, accompanied by affidavits, detailed time sheets and any other supporting evidence.
5. Magistrate Judge Kelly's October 3, 2017, Report and Recommendation (Doc. 123) is **ADOPTED** and made a part of this Order.
  6. Defendants' Motion for Attorney's Fees and Costs (Doc. 115) is **GRANTED IN PART AND DENIED IN PART** as follows:
    - a. Plaintiff is **DIRECTED** to pay the Defendants, St. Croix Condominium Association, Inc., Jennifer Campen, Joseph Bandy, Gary Chandler, Jerry Azeff, John Wender, Sandi Dembinsky, and R. Brooks, \$5,365.75 in attorney's fees and costs; and
    - b. In all other respects, the motion is **DENIED**.

**DONE AND ORDERED** in Orlando, Florida, on October 13, 2017.

  
PAUL G. BYRON  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Parties